

Board of Zoning Appeals

Munson Township

Minutes of August 25, 2016

Chair Dennis Pilawa called the meeting to order at 6:30pm with Gabe Kezdi, Richard Wright, Danielle Pitcock, Alternate Don Alexander, Alternate Jim Herringshaw, Secretary Paula Friebertshauser and Court Reporter Kim Giel present. Bobbie Nolan was absent. The Pledge of Allegiance was said.

Mr. Pilawa explained that the Board of Zoning Appeals is a quasi-judicial Board which acts in the role of judges. They take facts as presented and apply certain standards of law to then make a decision. A court reporter is present so that anyone wishing to speak for or against the case must be sworn in for the record. The record is made up of testimony and evidence presented. If a case goes to court, decisions are based on what is presented the evening of the hearing. Anyone not in agreement with the decision of the Board could file with the Court of Common Pleas within 30 days after the minutes of the meeting are approved.

Danielle Pitcock moved and Gabe Kezdi seconded to approve the July 21, 2016 minutes. Motion carried. Danielle Pitcock moved and Jim Herringshaw seconded to approve the minutes for Cases 16-12 & 16-13 as written. Motion carried.

CASE 16-21: Andrew Bales 12959 Greenbrier, Chardon OH - request to construct a 34' x 24' accessory building in front of the home. Violates SEC. 509.2 Accessory Structures-no garage or other accessory structure shall be erected within the front yard of any district.

Zoning Inspector Tim Kearns was sworn in. He read the variance request and violation and presented photographs of the proposed location. When asked how much of the building would be in front of the home, Mr. Kearns replied "all of it". However, Mr. Alexander clarified that based on the map the building would be 17 feet in front.

Andrew Bales was sworn in. He explained he would like to build a 34' x 24' accessory building 17 feet in front of the house where a turnaround exists. The building would be used for a third car and storage. He explained the septic and leech field is in the back corner of the property and to the left is a large swale. Mr. Bales explained that from the back of the house to the property line is just shy of 60 feet so to build there would infringe on that setback and require a variance. He explained there is a six foot overhang that is figured in the total footprint. It would be a pole barn with a concrete floor and pad. When asked about electric and water, Mr. Bales responded that eventually it would have electric but not water. It would be constructed by Byler Construction. He confirmed he would use the existing turnaround. When asked if he cleared the area, Mr. Bales responded he did last fall and it was basically all brush. When asked if he put the driveway in, Mr. Bales responded no. Mr. Wright noted there was a big crack in it. Mr. Pilawa asked if it was installed as a turnaround with no prior plans. Mr. Bales replied not that he knew of. When asked about siding, Mr. Bales explained the vinyl siding and shingles would be the same color as the house.

Mr. Pilawa stated for the record that 44 affected property owners were notified in Case 16-21. Paul Worley of 12905 Greenbrier was sworn in. He explained he lives directly next to the Bales and has no problem with the request because they do things right. There is a terrible swale between their properties. He mentioned that a neighbor obtained a variance for the whole building to be in front of their house. When asked if he would be able to see the structure through the woods, Mr. Worley replied "no".

Richard Wright moved and Don Alexander seconded that the variance in Case 16-21 presented by Andrew Bales be approved. Findings of facts were presented as follows: he has lived there four to five years but this would be an improvement; the variance is substantial because it is in the front yard; the essential character of the neighborhood would not be altered with the quality of work done by someone else; adjoining properties will not suffer a detriment; the delivery of government services would not be affected; the predicament cannot be feasibly relieved through some other manner; the Board feels by granting the variance the spirit and intent would be observed and justice done; and the property owner did not know of the zoning restriction. Upon the roll call, all members voted yes, 5-0; motion carried.

CASE 16-22: Kevin Weinbrecht 13436 Hidden Oaks, Novelty OH - request to construct a 22' x 38' garage 6' from the west side property line. Violates SEC. 411 Minimum Dimensional Requirements- minimum side yard requirement is 25 ft.

Mr. Kearns read the variance request and violation. He presented photographs of the proposed location.

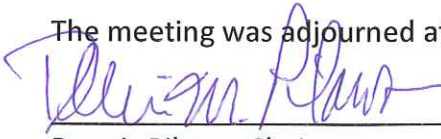
Mr. Kezdi asked what address the township uses to base the location. He pointed out that in this case Novelty is not a city or a municipality. He felt under C on the application it should say Munson. Mrs. Pitcock said she wondered about it. Mr. Pilawa questioned if we were legally permitted. Trustee Andy Bushman confirmed it is in Munson.

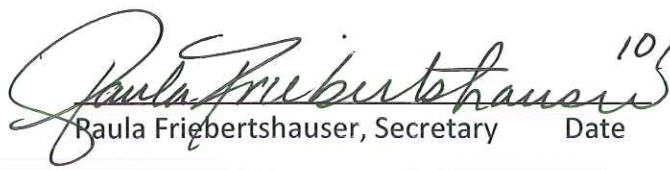
Kevin Weinbrecht was sworn in. He explained the building would be an extension to the garage. he commented that the whole bottom was rusted out on his pick-up truck from sitting outside. The garage would have a higher door and a little shop to work in. When asked, Mr. Weinbrecht explained he builds guitars and does woodworking. Currently he pulls the cars out of the existing garage, but gets in trouble with his wife when he spray paints. He further explained there is rock there and the property goes down. The ground is not stable. Mr. Weinbrecht confirmed it would be attached to the side. Mr. Wright commented that it was presented as a standalone. When asked who would do the work, Mr. Weinbrecht replied it would be built by Joe Mullet. Mr. Alexander asked when the home was built. Mr. Weinbrecht responded 1988 and they bought it in 1998. Mr. Alexander commented that the home is pretty close to the property line. Mr. Weinbrecht explained it has to do with the rock; if someone were to walk in their front door and walk out the back they would be in the basement. The original plans had it set in the middle of the property. Mr. Weinbrecht pointed out the septic on the side. He commented they live in Novelty, but the house on the corner is in Newbury. Mr. Wright asked if they would be entering or exiting on the property line side. Mr. Weinbrecht replied no, it would be closed off on the side. Mr. Alexander asked how far it would be from the back corner. Mr. Weinbrecht was not sure, but thought maybe 15 to 20 feet.

Chairman Pilawa stated for the record that 20 affected property owners were notified in Case 16-22. There was no public comment.

Danielle Pitcock moved and Gabe Kezdi seconded to grant the variance requested in Case 16-22. Findings of fact were provided as follows: the property owners made do as opposed to enjoying and it would be an improvement to space; the variance is substantial because it is so close to the property line; the essential character of the neighborhood would not be altered and it would be professionally done; adjoining properties would not suffer a detriment; the delivery of government services would not be adversely affected; the predicament needs a variance; by granting, the Board of Zoning Appeals is in consideration of the needs; and the property owner did not know of the zoning restriction. Upon the roll call, all members voted yes, 5-0; motion carried.

The meeting was adjourned at 7:14pm.


Dennis Pilawa, Chair 10/20/16
Date


Paula Friebertshauser, Secretary 10/20/16
Date